UNITED NATIONS

CEDAW

Convention on the Elimination of all Forms of Discrimination Against Women

Distr.
GENERAL

CEDAW/C/5/Add.24
19 September 1984

ENGLISH
ORIGINAL: SPANISH

Committee on the Elimination of Discrimination Against Women (CEDAW)

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

Initial reports of States Parties

VENEZUELA

V.84 91157 1995E

INTRODUCTION

The chief purpose of this report is to give a short account of the situation regarding the rights of women in Venezuela, following their acquisition of the vote.

On 18 December 1979, by resolution 34/180, the General Assembly of the United Nations approved the Convention on the Elimination of All Forms of Discrimination Against Women, which came into force on 3 September 1981. Venezuela deposited its instrument of ratification on 2 May 1983, and on 1 June 1983 became a State Party to the Convention, this therefore being the date on which the Convention definitively came into force in our country.

PARTICIPATION BY THE VENEZUELAN WOMAN AT CONSTITUTIONAL LEVEL

The Constitution of the Republic and consolidation of the Democratic Process have made possible the enunciation of the principle */ of equality and freedom as regards civil rights for women. The Constitution was approved in 1961 and contains a section devoted to the elimination of discrimination based on race, sex and social status.

The right of women to vote was introduced in Venezuala in 1947, and chapter 6 Political Rights, article 110 of the National Constituion of 1961 establishes voting as a right and public function, and lays down that all Venezuelans having reached the age of 18 years and who are not under a civil or political disability are electors without discrimination on grounds of sex.

Article 112 of the Constitution states: "Electors who can read and write and who are older than 21 years shall be eligible and suitable for filling public offices, and shall be subject to no restrictions beyond those laid down in this Constitution and those deriving from the conditions of suitability required by law for the exercise of particular functions." This means that women enjoy voting rights giving maximum representation in respect of the executive, legislative and judicial powers.

Throughout democratic history, participation by women in corporate bodies has been developing, and today we see women among the ranks of ministers, magistrates, senators, deputies, ambassadors, councillors, consuls, mayors and prefects

The following table shows the percentage, by sex, of persons elected to the Congress of the Republic and to Municipal Councils. **/

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*/ Source: Constitution of the Venezuelan Republic, section 3, chapter 1, article 6.

**/ Source: Social statistics - Venezuela 1983, p. 329.

ELECTORAL YEAR

	Senators		Deputies		Councillors	
	Male	Female	Male	Female	Male	Female
1958	100.0	-	97.0	2.3	100.0	-
1963	100.0	-	98.0	2.0	96.0	4.0
1968	92.8	7.1	88.0	12.0	92.3	7.6
1973	97.6	2.4	97.5	2.5	93.8	6.1
1978	95.2	4.7	94.7	5.2	86.0	14.0
1983 */	100.0	-	95.5	4.5		

WORK AND SOCIAL SECURITY STATUS OF WOMEN IN VENEZUELA

The Venezuelan Administrative Legal Order guarantees the principle of equal pay for workers without legal discrimination on grounds of sex. Venezuela has ratified the following Conventions on the subject adopted by the International Labour Organisation (ILO).

- Convention concerning the employment of women during the night, 1934, ratified by Venezuela in 1944.
- Convention concerning the employment of women on underground work, 1935, ratified by Venezuela in 1944.
- Convention No. 3 concerning the employment of women before and after childbirth, 1919, ratified by Venezuela in 1945.
- Convention No. 100 concerning equal remuneration, 1951, ratified by Venezuela in 1981.
- Convention No. 103 concerning maternity protection, ratified by Venezuela in 1981.
- Convention No. 111 concerning discrimination in respect of employment and occupation, ratified by Venezuela in 1964.

SOCIAL BENEFITS, PENSIONS AND LABOUR ACCIDENTS AND OCCUPATIONAL DISEASES

According to law, Venezuelan women have the same rights and entitlements as men. They may retire on grounds of age five years before men; they hold the same rights as men under the Social Security Act.

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*/ Unofficial data.

ACCESS BY WOMEN TO EDUCATION

The National Constitution grants to all Venezuelans, men and women, the right to education. Article 6 of the Organic Law on Education establishes the right of all persons to receive an education appropriate to their talents and aspirations, adequate for their vocation, and subject to the requirements of the national or local interest, with no form of discrimination based on race, sex, religious beliefs, economic or social status or any other grounds.

VENEZUELAN CIVIL AND CRIMINAL LAW REGARDING WOMEN

The Code of Civil Procedure establishes no difference between men and women as regards participation in legal acts. Women may be plaintiff, defendant, or witness, they may bring civil actions and validly offer any other type of evidence.

As regards criminal law, women are governed by the same criminal procedure as men, and are liable to the same penalties and punishments.

THE CIVIL CODE AND THE STATUS OF WOMEN

Before the amendment of the Civil Code in July 1982, the married woman was discriminated against with respect to her husband. Before the reform the husband was entitled to take all the decisions affecting the marriage and he was the administrator of the joint property.

The Act on Partial Amendment of the Civil Code laid down three situations in which both members of the couple are equal, situations which are of basic importance in a democratic society. These are:

(1) The equality of the spouses before the law. Prior to the amendment to the Code, the husband decided on the couple's place of residence and administered the joint property.

(2) Equal status of parents in respect of children. Previously, parental authority lay with the father.

(3) Equality of children. Before the change, children born out of wedlock were regarded as illegitimate. Now, all children (whether born in or out of wedlock) are legitimate, have the same rights to be assisted by their father (maintenance payments) and have rights of inheritance.

WOMEN AND THE COMMERCIAL CODE

In Venezuela commercial law grants to women full rights to engage in business. Since the amendment of the Civil Code, both husband and wife require the consent of the other spouse in order to undertake any commercial transaction.

GOVERNMENT ADMINISTRATIVE ACTION RESPECTING WOMEN

As from February 1984 a Directorate of Women's Affairs has been established within the Ministry of Youth, the Family and the Child.

RESTRICTIONS

Work by women is restricted by a number of prohibitions which differentiate her from the Venezuelan male worker; these are:

- Women are prohibited from carrying out night work. This can be performed only within certain limits laid down by law, and which accord with the provisions of the ILO Convention concerning the employment of women during the night.
- The law prohibits women from engaging in what is classed as heavy, dangerous or unhealthy work.
- Our labour legislation forbids the employment of women in undertakings which are prejudicial to morals or good behaviour, without specifying what these undertakings are.

The Venezuelan female worker does not have available sufficient services to support her in her domestic work (day nurseries and kindergartens, laundries, low-cost restaurants). This situation causes double work (a double day) for the female worker, the working day and domestic work. This naturally constitutes a discriminatory situation for women who go out to work.

Another important factor discriminating against women is that the census and statistical returns consider women engaged exclusively in domestic work as "without occupation", whereas the economic and social value of such work is in fact important in our society.

Although the status of women at constitutional level is firmly based on equality before the law, this legal situation does not guarantee equality of opportunities in all the spheres of national life.

There still exist values, attitudes and behaviour patterns which prevent the complete integration of women, equality of rights facilitates the achievement of equality of status, but efforts are still needed to encourage and bring about a change of mentality.